Discharge of sureties.

126. (*1*) Any surety for the peaceable conduct or good behaviour of another person may at any time apply to a Presidency Magistrate, District Magistrate, Sub-Divisional Magistrate or Magistrate of the First Class to cancel any bond executed under this Chapter within the local limits of his jurisdiction.

(*2*) On such application being made, the Magistrate shall issue his summons or warrant, as he thinks fit, requiring the person, for whom such surety is bound, to appear or to be brought before him.

Discharge of sureties.

126. (*1*) Any surety for the peaceable conduct or good behaviour of another person may at any time apply [1][*to the Court by which an order was made to give security*] to cancel any bond executed under this Chapter within the local limits of his jurisdiction.

[2][(*2*) *On such application being made, the Court shall issue summons or warrant, as it may think fit, requiring the person for whom such surety is bound to appear or to be brought before it*].

Security for unexpired period of bond.

[3]**[126A.]** [4][When a person for whose appearance a warrant or summons has been issued under the proviso to sub-section (*3*) of section 122 or under section 126, sub-section (*2*), appears or is brought before him, the Magistrate shall cancel the bond executed by such person] and shall order such person to give, for the unexpired portion of the term of such bond, fresh security of the same description as the original security. Every such order shall, for the purposes of sections 121, 122, 123 and 124, be deemed to be an order made under section 106 or section 118, as the case may be.

CHAPTER IX[5].

UNLAWFUL ASSEMBLIES.

Assembly to disperse on command of Magistrate or police-officer.

127. (*1*) Any Magistrate or officer in charge of a police-station may command any unlawful assembly, or any assembly of five or more persons likely to cause a disturbance of the public peace, to disperse ; and it shall thereupon be the duty of the members of such assembly to disperse accordingly.

(*2*) This section applies also to the police in the towns of Calcutta and Bombay.

(*2*) This section applies also to the police in the town [6]* of Calcutta[6]* *.

Use of civil force to disperse.

128. If, upon being so commanded, any such assembly does not disperse, or if, without being so commanded, it conducts itself in such a manner as to show a determination not to disperse, any Magistrate or officer in charge of a police-station, whether within or without the presidency-towns, may proceed to disperse such assembly by force, and may require the assistance of any male person, not being an officer, [7][soldier, sailor or airman in [8][the armed forces]] and acting as such, for

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[1] Substituted by Bom. 23 of 1951, s. 2 and Schedule Part I, for "to a Presidency Magistrate, District Magistrate, Sub-Divisional Magistrate or Magistrate of the first class".

[2] Substituted by s. 2 and Schedule Part I, *ibid*, for the original sub-section (*2*).

[3] Sub-section (*3*) of s. 126 renumbered as s. 126A by the Code of Criminal Procedure (Amendment) Act, 1923 (18 of 1923), s. 23.

[4] Substituted by s. 23, *ibid*, for "When such person appears or is brought before the Magistrate, such Magistrate shall cancel the bond".

[5] The whole of this Chapter, so far as it applies to the City of Bombay, rep. by the City of Bombay Police Act, 1902 (Bom. 4 of 1902), s. 2 (*1*) and Schedule A.

[6] The letter "s" and the words "and Bombay" rep., *ibid*.

[7] Substituted by the Amending Act, 1934 (35 of 1934), s. 2 and Schedule, for "or soldier in Her Majesty's Army".

[8] Substituted by Act 64 of 1952, s. 2, for "the Indian Army, Navy or Air Force or a person subject to the Territorial Army Act, 1948".

the purpose of dispersing such assembly, and, if necessary, arresting and confining the persons who form part of it, in order to disperse such assembly or that they may be punished according to law.

Use of military force.

129. If any such assembly cannot be otherwise dispersed, and if it is necessary for the public security that it should be dispersed, Magistrate of the highest rank who is present may cause it to be dispersed by [1][the armed forces].

Duty of officer commanding troops required by Magistrate to disperse assembly.

130. (*1*) When a Magistrate determines to disperse any such assembly [2][by the armed forces, he may require any officer thereof in command of any group of persons belonging to the armed forces to disperse such assembly with the help of the armed forces under his command], and to arrest and confine such persons forming part of it as the Magistrate may direct, or as it may be necessary to arrest and confine in order to disperse the assembly or to have them punished according to law.

(*2*) Every such officer shall obey such requisition in such manner as he thinks fit, but in so doing he shall use as little force, and do as little injury to person and property, as may be consistent with dispersing the assembly and arresting and detaining such persons.

Power of commissioned military officers to disperse assembly.

131. When the public security is manifestly endangered by any such assembly, and when no Magistrate can be communicated with [3][any commissioned officer of the armed forces may disperse such assembly with the help of the armed forces under his command], and may arrest and confine any persons forming part of it, in order to disperse such assembly or that they may be punished according to law ; but if, while he is acting under this section, it becomes practicable for him to communicate with a Magistrate, he shall do so, and shall thenceforward obey the instructions of the Magistrate as to whether he shall or shall not continue such action.

Protection against prosecution for act done under this Chapter.

132. No prosecution against any person for any act purporting to be done under this Chapter shall be instituted in any Criminal Court, except with the sanction of the [4][[5][State] Government] ; and—

(*a*) no Magistrate or police-officer acting under this Chapter in good faith,

(*b*) no officer acting under section 131 in good faith,

(*c*) no person doing any act in good faith, in compliance with a requisition under section 128 or section 130, and

(*d*) no inferior officer, or [6][soldier, sailor or airman in the armed forces] doing any act in obedience to any order which he was bound to obey,

shall be deemed to have thereby committed an offence :

[7][Provided that no such prosecution shall be instituted in any Criminal Court against any officer or [8][soldier, sailor or airman in the armed forces] except with the sanction of the [9][Central Government].]

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[1] Substituted by Act 64 of 1952, s. 3, for "military force".

[2] Substituted by s. 4, *ibid*, for "by military force, he may require any commissioned or non-commissioned officer in command of any soldiers in the Indian Army or of any persons subject to the Territorial Army Act, 1948, to disperse such assembly by military force".

[3] Substituted by s. 5, *ibid*, for "any commissioned officer of the Indian Army may disperse such assembly by military force".

[4] Substituted by the A. O. 1937 for "L. G." which had been substituted for "G. G. in C." by the Devolution Act, 1920 (38 of 1920), s. 2 and Schedule I.

[5] Substituted by the A. O. 1950 for "Provincial".

[6] Substituted by Act 64 of 1952, s. 6, for "soldier or person subject to the Indian Territorial Army Act, 1948".

[7] This proviso was inserted by Act 38 of 1920, s. 2 and Schedule I.

[8] Substituted by Act 64 of 1952, s. 6, for "soldier in the Indian Army or any person subject to the Territorial Army Act, 1948".

[9] Substituted by the A. O. 1937 for "G. G. in C.".

Definitions

[1][132A. In this Chapter,—

(*a*) the expression "armed forces" means the military, naval and air forces, operating as land forces and includes any other armed forces of the Union so operating;

(*b*) "officer", in relation to the armed forces, means a person commissioned, gazetted or in pay as an officer of the armed forces and includes a junior commissioned officer, a warrant officer, a petty officer and a non-commissioned officer].

CHAPTER X.

PUBLIC NUISANCES.

Conditional order for removal of nuisance.

133. (*1*) Whenever a District Magistrate, a Sub-Divisional Magistrate or a Magistrate of the first class considers, on receiving a police-report or other information and on taking such evidence (if any) as he thinks fit,

that any unlawful obstruction or nuisance should be removed from any way, river or channel which is or may be lawfully used by the public, or from any public place, or

that the conduct of any trade or occupation, or the keeping of any goods or merchandise, is injurious to the health or physical comfort of the community, and that in consequence such trade or occupation should be prohibited or regulated or such goods or merchandise should be removed or the keeping thereof regulated, or

that the construction of any building, or the disposal of any substance, as likely to occasion conflagration or explosion, should be prevented or stopped, or

that any building, tent or structure, or any tree is in such a condition that it is likely to

Conditional order for removal of nuisance.

[2][133. (*1*) Whenever a [3][*Presidency Magistrate specially empowered by the State Government in this behalf or a District Magistrate or a Sub-Divisional Magistrate*] considers, on receiving a police-report or other information and on taking such evidence (if any) as he thinks fit,

that any unlawful obstruction or nuisance should be removed from any way, river or channel which is or may be lawfully used by the public, or from any public place, or

that the conduct of any trade or occupation or the keeping of any goods or merchandise, is injurious to the health or physical comfort of the community, and that in consequence such trade or occupation should be prohibited or regulated or such goods or merchandise should be removed or the keeping thereof regulated, or

that the construction of any building, or the disposal of any substance, as likely to occasion conflagration or explosion, should be prevented or stopped, or

[1] Inserted by Act 64 of 1952, s. 7.

[2] Substituted by the Code of Criminal Procedure (Amendment) Act, 1923 (18 of 1923), s. 24, for original s. 133.

[3] Substituted by Bom. 23 of 1951, s. 2 and Schedule Part I, for "District Magistrate, a Sub-Divisional Magistrate or a Magistrate of the first class".